

1 IN THE UNITED STATES DISTRICT COURT FOR THE
 2 NORTHERN DISTRICT OF OKLAHOMA
 3
 4

5 W. A. DREW EDMONDSON, in his)
 6 capacity as ATTORNEY GENERAL)
 7 OF THE STATE OF OKLAHOMA and)
 8 OKLAHOMA SECRETARY OF THE)
 9 ENVIRONMENT C. MILES TOLBERT,)
 10 in his capacity as the)
 11 TRUSTEE FOR NATURAL RESOURCES)
 12 FOR THE STATE OF OKLAHOMA,)

13 Plaintiff,)

14 vs.)

15 4:05-CV-00329-TCK-SAJ

16 TYSON FOODS, INC., et al,)

17 Defendants.)

18 - - - - -
 19 VOLUME II OF THE VIDEOTAPED
 20 DEPOSITION OF BERTON FISHER, PhD, produced as a
 21 witness on behalf of the Defendants in the above
 22 styled and numbered cause, taken on the 4th day of
 23 September, 2008, in the City of Tulsa, County of
 24 Tulsa, State of Oklahoma, before me, Lisa A.
 25 Steinmeyer, a Certified Shorthand Reporter, duly
 certified under and by virtue of the laws of the
 State of Oklahoma.

1 it, fix it, pay for it in Exhibit 19?

2 **A** You'd have to ask Mr. Miller.

3 **Q** Why would you have a copy of this in your
4 files?

5 **A** Because when my files were produced, 10:37AM
6 everything that was on the hard drive in that
7 directory was produced.

8 **Q** Dr. Fisher, do you have any idea why Mr.
9 Miller would have an environment consultant, such as
10 Larry Hight, putting together a piece such as 10:38AM
11 Exhibit 19?

12 MR. GARREN: Object to form.

13 **A** Well, Larry is the graphics guy.

14 **Q** Is there any scientific analysis required of
15 Exhibit 19? 10:38AM

16 **A** No.

17 **Q** Just a propaganda piece?

18 MR. GARREN: Object to form.

19 **A** I don't know what it is. It's a piece that
20 shows a bunch of photographs and text. 10:38AM

21 **Q** If I needed to understand how this was put
22 together and what the instructions were, I'd need to
23 talk Mr. Hight?

24 **A** Yes.

25 **Q** Dr. Fisher, at the beginning of the day today, 10:38AM

1 you handed or your counsel handed us some revised
2 pages to your expert report, particularly Pages 39,
3 40, and 41, and on one of those pages there is a
4 revised Table 12; is that correct?

5 **A** That's correct. 10:39AM

6 **Q** And I'll put in front of you what I've marked
7 as Exhibit 20, which I believe is a copy of what Mr.
8 Garren provided us. Did you prepare Exhibit 20 last
9 night?

10 **A** Yes. 10:39AM

11 **Q** Now, let me back up for a moment. The opinion
12 that is at issue is Opinion 18. That's where the
13 changes occurred; is that correct?

14 **A** That's correct.

15 **Q** In your original report, Opinion 18 was 10:40AM
16 supported by some computations that you or somebody
17 working for you prepared in terms of ratios of zinc,
18 copper, phosphorus and arsenic in poultry litter,
19 cattle waste and wastewater treatment plant
20 effluent; correct? 10:40AM

21 **A** That's correct.

22 **Q** And those computations are included throughout
23 Pages 39 and 40 and also the underlying data appears
24 in Table 12; correct?

25 **A** That's correct. 10:40AM

1 Q And your opinion, based upon your review back
2 in May of 2005 of that data and those computations,
3 was that the chemical composition of poultry waste
4 is distinctly different from the chemical
5 composition of cattle waste and wastewater treatment
6 plant effluent; correct?

10:40AM

7 A That's correct.

8 Q Do you hold that same opinion today?

9 A I do.

10 Q And you hold that opinion despite the fact
11 that all of the ratios and computations and, in
12 fact, Table 12 that you were relying upon are
13 considerably different now that you've corrected an
14 error as to what they were in May of 2008; is that
15 correct?

10:41AM

10:41AM

16 MR. GARREN: Object to form.

17 A Well, that's partially correct. Although I've
18 corrected an error and adjusted those ratios, the
19 underlying data with respect to Figure 8, which was
20 supposed to be the original data represented in that
21 table, and for reasons known only to God was not.
22 Figure 8 was really the basis of that original
23 interpretation. The exposition of the ratios were
24 something to exposit the ratios. They've changed,
25 but it does not change the opinion because it has

10:41AM

10:41AM

1 not changed, so that these things are all the same.

2 Q So the data and math has changed but the
3 opinion that rested upon the data and math has not
4 changed; is that right?

5 A That's correct. Numbers changed around a 10:42AM
6 little bit but they're still different.

7 Q You consider these to be small changes in the
8 numbers?

9 A No. I consider them to be large changes in
10 the number. 10:42AM

11 Q Despite large changes in the number, it
12 doesn't affect your opinion; is that right?

13 A No.

14 Q Okay. Is your opinion really based on the
15 numbers? 10:42AM

16 A Yes. My opinion is partially based on numbers
17 and based on this graph which is correct.

18 Q Well, in May of 2008 when you issued your
19 first report, were your opinions based on the
20 numbers? 10:42AM

21 A The opinions were based on the graphs and the
22 numbers.

23 Q Okay. Well, when you are describing the basis
24 for your opinion on Pages 39 and 40, you're talking
25 about numbers, aren't you? 10:42AM

1 **A** Right, and I'm talking about numbers today,
2 and although the numbers have changed, they haven't
3 changed to alter that opinion, and the graph has not
4 changed.

5 **Q** Can you identify for me the changes that were 10:42AM
6 made?

7 **A** Well, there are several. I pretty much would
8 change all of the -- I can identify -- how long do
9 you want to take to identify them? All day? I
10 mean, pretty much all the numbers that relate zinc, 10:43AM
11 copper and arsenic to phosphorus have changed, but
12 the numbers relating copper and zinc have not
13 changed and so --

14 **Q** Let's --

15 **A** Go ahead. 10:43AM

16 **Q** I'm sorry. You go ahead.

17 **A** There was an underlying, obvious underlying
18 error in the number that was supposed to be
19 associated with phosphorus.

20 **Q** Okay. Well, explain to me the error and how 10:43AM
21 you corrected it, and then I want to talk about some
22 of the changes.

23 **A** Well, the error had to do with a copy of
24 information from one source into another source, and
25 then ended up making a bogus computation, which had 10:43AM

1 to have involved the phosphorus number. I couldn't
2 reconstruct the errors with specificity, but it
3 would mean that the phosphorus number was very, very
4 small. There are some other issues with respect to
5 terminology that I used within the report so that I
6 had written one thing and then put down a ratio for
7 the reciprocal of that ratio. So it's now been
8 fixed so that that's not true.

10:44AM

9 Q So, Dr. Fisher, do I understand correctly that
10 your computations were performed in a spreadsheet;
11 is that right?

10:44AM

12 A Yes.

13 Q Okay, and so the first time around in May of
14 2008 there was an error made in how you copied some
15 numbers to a spreadsheet; is that right?

10:44AM

16 A Yes.

17 Q Okay. You've now identified the errors in
18 that spreadsheet and have corrected them; is that
19 right?

20 A Well, I went back to the original data source,
21 the database, reacquired that information, pulled
22 that back out of the data source, compared the
23 original information to the data that sits behind
24 these graphs and ascertained that in fact the graph
25 data and the original data were the same. Then I

10:44AM

10:44AM

1 took the data that clearly corresponded to these
2 graphs and redid the ratio computations.

3 Q Where are the work papers that underlie the
4 comparison that you made and the new computations?

5 A It was done electronically. They're kind of 10:45AM
6 fungible.

7 Q Well, but you created a spreadsheet; right?

8 A Yeah.

9 Q And it exists somewhere on your computer?

10 A Yes. 10:45AM

11 Q And that spreadsheet is the basis for the new
12 numbers we see in Exhibit 20; correct?

13 A Yes.

14 Q Where is that spreadsheet; did you bring it
15 with you today? 10:45AM

16 A I did not.

17 Q Why not?

18 A It's on my home computer.

19 MR. GEORGE: Rick, I want to ask for the
20 production of the spreadsheet that forms the new 10:45AM
21 basis for his new computations in Exhibit No. 20.

22 Q Where is the old spreadsheet that was in
23 error?

24 A I don't know. A lot of those things are not
25 maintained. You know, you would use them -- use 10:46AM

1 them to generate a series of numbers, use them to
2 generate a graph or use them to generate a table,
3 and then they are disposed of or written over as you
4 might work with them a different way. If it still
5 exists, it would be in my produced documents. The
6 original data, however, does exist and it's clearly
7 identified in -- Footnote 102 identifies the sample
8 IDs in the CDM database from which these
9 computations were made. So those are still the same
10 data, still the same sample identified.

10:46AM

10:46AM

11 **Q** But I can't see your computations in the lab
12 sheets that are shown in Footnote 102, can I?

13 **A** No, but you can get the original data and the
14 computation can be recreated. I can provide you
15 with the spreadsheet that I used to construct this.

10:46AM

16 MR. GEORGE: Rick, I want a copy of the
17 original spreadsheet that supported the previous
18 calculations and a copy of the new spreadsheet that
19 has now been corrected, so --

20 **Q** Help me understand a little better, Dr.
21 Fisher, the error that was made. You said it was a
22 copying error. What was copied and how was it
23 copied incorrectly; did it relate to -- well, that's
24 more than one question there. Go ahead.

10:47AM

25 **A** Well, I mean, as best as I can reconstruct

10:47AM

1 this in looking at the original piece in the
2 original work, the phosphorus number or a formula
3 related to phosphorus was improperly copied because
4 the shift that occurs was a rather large shifts --
5 was rather large shifts in the zinc-phosphorus and
6 copper-phosphorus ratio in Table 12. Again, it has
7 no impact on Figure 8. Figure 8 is correct. The
8 ratios change in Table 12. It's unfortunate that I
9 somehow succeeded in missing that.

10:47AM

10 Q As a general matter, on what order of
11 magnitude did they change from your original report
12 to Exhibit 20?

10:48AM

13 A Well, by a lot. Factors of -- I haven't
14 looked at that factor, but it's factors of
15 thousands.

10:48AM

16 Q So your numbers today in terms of ratios are a
17 factor of thousands different than they were in May
18 of 2008 but your opinion hasn't changed; is that
19 right?

20 A No, because it hasn't changed a lot of the
21 relative differences among these things.

10:48AM

22 Q All right. So what was the formula that you
23 were using, and you said it related to phosphorus;
24 is that right?

25 A Correct.

10:48AM

1 Q What was the formula that you were using
2 before that you've now changed?

3 A Well, I haven't changed any formula. The
4 formula that I used -- as far as I know, I haven't
5 changed any formula. The formula I used before 10:48AM
6 would simply be the -- oh, for God's sake.

7 MR. ELROD: That's me.

8 A No. That was me.

9 MR. ELROD: I was calling you.

10 A You were? Okay. Let me -- I thought this was 10:49AM
11 turned off. I so apologize.

12 Q That's okay.

13 A You asked the question, what was the formula.

14 Q Before and what is it now?

15 A The formula was very simple. Total zinc 10:49AM
16 divided by total phosphorus. It's always been the
17 same.

18 Q Sounds like hard things screw up.

19 A Well, and that's what is so amazing about it.
20 So what went over there was clearly the wrong 10:49AM
21 phosphorus number.

22 Q All right. So the formula hasn't changed.
23 It's just that you used the wrong phosphorus number
24 in the first report compared to what you are using
25 now? 10:49AM

1 **A** Evidently, yes.

2 **Q** Okay. Well, how did that mistake happen?

3 **A** Don't know.

4 **Q** Is there more than one phosphorus number

5 reported in the lab sheets? 10:50AM

6 **A** Well, no. I mean, I could have retrieved
7 an -- may have done an improper retrieval, that is,
8 pulled down a variable that I didn't mean to pull
9 down mistakenly. The way that's done is you

10 identify the variable name. If I identified the 10:50AM

11 parameter name -- if I identified the parameter name
12 incorrectly, I might have pulled down something
13 other than phosphorus, and because it's kind of a
14 complex thing to do, I screwed up. That's all I can
15 tell you. 10:50AM

16 **Q** So it's possible, just by way of illustration,
17 that the first time around due to a technological
18 error, you performed your computations not based on
19 phosphorus data but aluminum data or whatever it
20 was? 10:50AM

21 MR. GARREN: Object to the form.

22 **Q** The wrong parameter; is that right?

23 **A** It was either the wrong parameter or it was
24 something related to phosphorus that was -- you
25 know, it was a phosphorus -- there was numerous 10:51AM

1 phosphorus measurements were made, and it could have
2 been the improper measurement of phosphorus. I
3 didn't worry about reconstructing exactly that.
4 What I worried about doing is being sure I had total
5 phosphorus, total zinc, total copper, total arsenic. 10:51AM

6 Q So back in May of 2008, even though you
7 weren't using the phosphorus data, you were able to
8 arrive at a conclusion that in terms of phosphorus,
9 cattle waste, poultry litter and wastewater
10 treatment plant effluent looked different? 10:51AM

11 MR. GARREN: Object to form.

12 A Yes, I could because I reviewed Figure 8.

13 Q Any other errors that you noted with respect
14 to your computations or the data that you were using
15 to support Opinion No. 18? 10:51AM

16 A Not that I've noted at this time. No, I don't
17 think there are, Mr. George.

18 Q Dr. Fisher, are you comfortable with Exhibit
19 20 and the opinions and computations expressed in it
20 as being accurate and complete? 10:51AM

21 A In the revised one?

22 Q Yes, sir.

23 A Yes, I am.

24 Q Okay. All right. Let's look at some of the
25 changes just by way of example. Go to Page 39, and 10:52AM

1 I'll just for the Record state I have not had a
2 chance to read all the way through this, and I
3 certainly reserve the right, if necessary, to come
4 back and ask Dr. Fisher questions about it later but
5 I want to cover the things that I've noted. 10:52AM

6 MR. GARREN: Our preference is that you
7 take your time during lunch and do what you need to
8 do and ask the questions today.

9 MR. GEORGE: Well, I'm not going to be
10 rushed into pulling together questions on a new 10:52AM
11 opinion based on new computations over the lunch
12 hour but --

13 MR. GARREN: And I would object to your
14 characterizations.

15 MR. GEORGE: Never mind. 10:52AM

16 Q Under Paragraph 18, Dr. Fisher, you see the
17 sentence that begins with further cattle waste?

18 A Yes.

19 Q Okay. If you go down to the second part of
20 that sentence, you are making the observation now in 10:53AM
21 Exhibit 20 that the ratio of total zinc to total
22 copper in cattle waste is larger than the ratio of
23 those same two constituents in poultry waste?

24 A That's correct.

25 Q Now, what did you say about those ratios in 10:53AM

1 your original report?

2 **A** That was reversed, and that was part of the
3 original computation when I was doing this way early
4 on, was sort of a reciprocal computation.

5 **Q** So in May of 2008 you believed that the ratio 10:53AM
6 of zinc to copper to cattle waste was smaller than
7 poultry waste; correct?

8 **A** No, I don't say I believed it. I wrote that.
9 I really wasn't looking so much at those numbers. I
10 was looking at this graph, so I can -- I did the 10:53AM
11 interpretation largely based on Figure 8. This
12 material is supplementary to Figure 8 and expresses
13 ratios between those materials.

14 **Q** So, Dr. Fisher, you didn't really believe what
15 you wrote in your first report; is that what you're 10:54AM
16 telling me?

17 MR. GARREN: Object to form.

18 **A** That's not what I'm saying.

19 **Q** Okay. In your first report you wrote that the
20 total zinc to total copper ratio in cattle waste was 10:54AM
21 smaller than poultry waste; right?

22 **A** Right.

23 **Q** Today you've offered the statement in your
24 Exhibit 20 that the total zinc to total copper ratio
25 in cattle waste is larger than poultry waste; 10:54AM

1 correct?

2 **A** That's correct.

3 **Q** Okay. Despite that change, it's completely
4 inverted; your opinion hasn't changed; is that
5 right?

10:54AM

6 **A** That's correct.

7 **Q** Now, did you add something new on Page 39
8 towards the bottom?

9 **A** May have added some explanatory materials.

10 Let's see.

10:54AM

11 **Q** With respect to the very last sentence of the
12 last full paragraph, you've, I think, added a
13 statement that copper in wastewater treatment plant
14 effluent is enriched in zinc and arsenic with
15 respect to total P?

10:55AM

16 **A** That's correct.

17 **Q** That's a new opinion?

18 **A** Well, that is reflective of the actual data as
19 opposed to what I thought it was at one time.

20 **Q** Why is that important; is it important?

10:55AM

21 **A** Well, it's important because there is still --
22 it's still different from poultry waste.

23 **Q** So wastewater treatment plant effluent has
24 more zinc than phosphorus and more arsenic than
25 phosphorus; is that what I understand?

10:55AM

1 **A** Well, no, it has not more zinc than phosphorus
2 and more arsenic than phosphorus, but the ratio of
3 total zinc to total phosphorus and total arsenic to
4 total phosphorus are enriched with respect to
5 poultry waste. Poultry waste is copper rich. 10:55AM

6 Wastewater treatment plant material is zinc rich.

7 **Q** And arsenic rich?

8 **A** And, remarkably, arsenic rich.

9 **Q** And I think you told me yesterday that you
10 didn't believe wastewater treatment plant had much 10:56AM
11 arsenic in it; is that right?

12 **A** Well, it still doesn't. I mean, in terms of
13 the absolute amount of arsenic, it's very small.

14 **Q** It has more arsenic per phosphorus than
15 poultry litter; correct? 10:56AM

16 **A** Right, and could contain poultry processing
17 waste.

18 **Q** Do you believe that to be the explanation?

19 **A** It's possible.

20 **Q** Well, have you done any investigation of that? 10:56AM

21 **A** I have not personally.

22 **Q** Well, has anyone done that investigation?

23 **A** I believe Meagan Smith has done that
24 investigation.

25 **Q** Let's go to Page 40. The second paragraph, 10:56AM

1 last sentence, in May of 2008 you said that with
2 respect to phosphorus, copper is approximately 6.6
3 times more abundant in poultry waste than in cattle
4 waste; do you see that? I'm sorry. Actually in May
5 of 2008 you said, on Page 40, that with respect to
6 phosphorus, copper is approximately 115 times more
7 abundant in poultry waste than in cattle waste?

10:57AM

8 **A** Right, and that was in error.

9 **Q** Okay. Today in Exhibit No. 20, you say that
10 with respect to phosphorus, copper is approximately
11 6.6 times more abundant in poultry waste than in
12 cattle waste; correct?

10:57AM

13 **A** That's correct.

14 **Q** That's a significant change, isn't it?

15 **A** Well, it's a significant change, but what is
16 really important here is it's still greater.

10:57AM

17 **Q** Despite the fact that your computations have
18 changed by several order of magnitude with respect
19 to this statement, your opinion is still the same?

20 **A** The graph has not changed and my opinion
21 remains the same.

10:57AM

22 **Q** Okay. You weren't relying upon these
23 calculations that you wrote back in May of 2008 in
24 your expert report?

25 **A** Well, these simply seem to be supplementary.

10:58AM

1 They agreed with the graphs or I thought they agreed
2 with the graphs at the time.

3 Q Well, they don't agree with what you said in
4 May of 2008, do they?

5 A Well, they don't; they don't. 10:58AM

6 Q Let's keep going in the same sentence towards
7 the end. In May of 2008 you said -- see if I can
8 put this together -- with respect to phosphorus,
9 copper is 151,000 times more abundant in poultry
10 waste than wastewater treatment plant effluent. 10:58AM
11 That's what you said in May of 2008; right?

12 A That's correct.

13 Q Okay. Today after you corrected your error,
14 you say with respect to phosphorus, copper is only
15 2.8 times more abundant in poultry waste than in 10:58AM
16 wastewater treatment plant effluent; correct?

17 A That's correct, and what's significant is that
18 it's still greater.

19 Q It's 2.8 times greater compared to what you
20 thought in May of 2008, being 151,000 times greater; 10:59AM
21 correct?

22 A Well, yeah. I mean, I don't know if I -- this
23 number is wrong.

24 Q Yeah, and despite that order of magnitude of
25 change in your computations, your opinion is still 10:59AM

1 the same?

2 **A** It does because it doesn't change the
3 graphical data. That was still correct.

4 **Q** All right. Let's go to the next paragraph.

5 You're talking about the ratio of arsenic to 10:59AM
6 phosphorus now, and in May of 2008 you wrote with
7 respect to phosphorus, arsenic is approximately
8 13,400 times more abundant in wastewater treatment
9 plant effluent than in poultry waste; correct?

10 **A** And we're talking about May 2008? 10:59AM

11 **Q** Yes, sir.

12 **A** And you're talking about the final sentence in
13 the third paragraph?

14 **Q** Yes, sir.

15 **A** Correct. 10:59AM

16 **Q** All right. So in May of 2008 you thought
17 phosphorus -- that arsenic was 13,400 times more
18 abundant in wastewater treatment plant effluent than
19 in poultry waste; right?

20 **A** I inappropriately calculated that. 11:00AM

21 **Q** But those were the numbers you were working
22 off of in May of 2008; correct?

23 **A** I was working off Figure 8.

24 **Q** Well, I don't see a cite to Figure 8 in this
25 paragraph either in your original expert report or 11:00AM

1 in this one, do you?

2 **A** No, I do not.

3 **Q** Okay. Now, today in September of 2008, in
4 Exhibit No. 20 you've come to the conclusion that
5 with respect to phosphorus, arsenic is approximately
6 4.9 times more abundant in wastewater treatment
7 plant effluent than poultry waste; correct?

11:00AM

8 **A** I think -- wait a minute. Yeah, but that's
9 not on this page. There is a reference to Figure 8
10 on Page 39.

11:00AM

11 **Q** Did I ask about Page 39?

12 **A** No, you didn't ask about Page 39 but I thought
13 I needed to give you a more complete answer.

14 **Q** You thought that after your counsel pointed it
15 out to you; is that right?

11:01AM

16 **A** Yeah, that's right.

17 **Q** Okay, all right, but you recall the question
18 before Mr. Garren pointed something out to you?

19 **A** No.

20 **Q** Okay.

11:01AM

21 MR. GEORGE: Can you read it back?

22 (Whereupon, the court reporter read
23 back the previous question at Page 420, Lines 3-7.)

24 **A** Well, that's not correct because it's 4.9
25 times more abundant.

11:01AM

1 Q Okay. What did I say?

2 A Four, or at least the question, when read back
3 was four.

4 Q I apologize. That's okay. With that
5 amendment, you agree? 11:01AM

6 A Yes.

7 Q These ratios, zinc to copper to phosphorus to
8 arsenic, in cattle waste, wastewater treatment
9 plants and poultry litter really aren't important to
10 your opinions, are they? 11:02AM

11 MR. GARREN: Object to form.

12 A No, that's not true at all. The most
13 significant differences, the ones that are really --
14 were the same in May of 2008 as they are today were
15 the ratios of zinc and copper. 11:02AM

16 Q So zinc and copper is the important one today;
17 is that right?

18 MR. GARREN: Object to form.

19 A Well, they're all important to my opinion, Mr.
20 George, and they were reviewed in those -- that data 11:02AM
21 is displayed and reviewed in Figure 8, which is
22 referenced on Page 39, which comprises part of
23 Opinion No. 18. The data is important. I explicated
24 those ratios, which were incorrectly calculated with
25 respect to phosphorus. They were not incorrectly 11:02AM

1 calculated with respect to zinc and copper. So I
2 think it mischaracterizes to say they aren't
3 important. They are important to me, and they were
4 important enough to me to become concerned when I
5 was reviewing this and saw that there was a

11:03AM

6 difference between the graphs and these numbers.

7 Q Dr. Fisher, is there any manner in which we
8 could change these ratios that would change your
9 opinion?

10 A Yes.

11:03AM

11 Q Tell me what that would be.

12 A Well, to make them coalesce so that the
13 compositional -- the composition of each of these
14 materials were the same, then there would be no way
15 to differentiate among them.

11:03AM

16 Q They have to be exactly the same before you
17 lose the ability to differentiate?

18 A They would have to be darned close.

19 Q How close?

20 A I don't know. We'd have to see what the
21 actual date said.

11:03AM

22 Q Well, that's pretty important to know. There
23 has to be a threshold. How close?

24 MR. GARREN: Object to form.

25 A You would have to make -- I can't make that

11:03AM

1 assessment as I sit here today.

2 MR. GEORGE: I'll pass the witness.

3 MR. McDANIEL: Let's go ahead and change
4 tapes.

5 VIDEOGRAPHER: Wee are now off the Record. 11:04AM

6 The time is 11:03.

7 (Following a short recess at 11:03
8 a.m., proceedings continued on the Record at 11:11
9 a.m.)

10 VIDEOGRAPHER: We are back on the Record. 11:11AM

11 The time is 11:11 a.m.

12 DIRECT EXAMINATION

13 BY MR. McDANIEL:

14 Q For the purposes of Record, I'm Scott McDaniel
15 and I represent Peterson Farms. Dr. Fisher, would 11:11AM
16 you identify for me every occasion where you have
17 worked with Mr. David Page, lawyer, on prior
18 occasions?

19 A Sure. Let's see if I can recollect those.
20 I've worked with Mr. Page at Gardere & Wynne and the 11:11AM
21 primary cases I recollect working on with him was a
22 Calcasieu Estuary.

23 Q I realize now that my question has taken you
24 into an area I don't care about, so I don't want to
25 waste time. I really don't care about when you were 11:12AM